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SUMMARY RECORD OF THE 32nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 20 February 1990, at 3 p.m.

Chairman: Mrs. QUISUMBING (Philippines)

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The meeting was called to order at 3.40 p.m.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1990/L.2/Rev.2, L.3/Rev.1)

1. The CHAIRMAN invited the Commission to consider two draft resolutions on Panama. The first, sponsored by Cuba, the Libyan Arab Jamahiriya, Nicaragua and Viet Nam, appeared in document E/CN.4/1990/L.2/Rev.2, and the second, sponsored by Panama, was contained in document E/CN.4/1990/L.3/Rev.1.

Draft resolution E/CN.4/1990/L.2/Rev.2

2. Mr. ROA KOURI (Cuba), speaking on behalf of the delegations of the Libyan Arab Jamahiriya, Nicaragua and Viet Nam, in addition to his own delegation, introduced draft resolution E/CN.4/1990/L.2/Rev.2, entitled "The situation in Panama". There could be no doubt that the text was covered by agenda item 9; it followed precedents well-known to the General Assembly and the Commission, the latter having adopted a similar resolution after the invasion of Grenada by the same imperialist Power in 1983.

3. The first preambular paragraph recalled resolution 44/240 on the subject of Panama, which the General Assembly had adopted on 29 December 1989. Reference might well also have been made to similar resolutions of the Organization of American States, the European Parliament and the Non-Aligned Movement, since the invasion of Panama by the United States had met with universal condemnation. After commenting briefly on the second, third and fourth preambular paragraphs, he indicated that the sponsors had amended operative paragraphs 1 and 2 in order to take account of requests from a number of countries. Those amendments did not change the character of the text, which was now perfectly balanced; however, the sponsors were unable to accept any further changes.

4. With regard to the two paragraphs in question, he noted that the Government of the United States had announced the withdrawal of its troops; however, it still had 13,000 soldiers stationed at its bases within Panamanian territory. Furthermore, even if the announced withdrawal actually took place, that would not do away with the consequences of the intervention, namely the illegitimacy of the current Panamanian authorities, which were under Southern Command orders. Furthermore, thousands of Panamanians were still interned in camps and prisons.

5. Referring to operative paragraph 3, he noted that the United States intention in invading Panama had been to violate the Torrijos-Carter treaties, which guaranteed Panama's right to exercise its sovereignty throughout its territory. In that context, it was symptomatic that the international airport at Panama City no longer bore the name of Omar Torrijos, thus clearly indicating that the United States wanted Panama once more to become the banana republic it had ceased to be under Omar Torrijos.

6. In conclusion, he drew the Commission's attention to operative paragraph 4, which called upon all States to respect the sovereignty and territorial integrity of Panama and the right of its people freely to decide their future. He called on the Commission unequivocally to condemn a military

intervention that had been carried out in contravention of international law and could well set a dangerous precedent with regard to other peoples of the third world.

7. Mr. ABRAM (United States of America) said that the draft resolution called for a number of amendments. For a start, the subject dealt with fell more properly within the purview of the General Assembly or the Security Council. The text in fact had the same tenor as General Assembly resolution 44/240. Without wishing to embark on a polemic that had no place in the Commission, he noted that the United States action in Panama had followed a declaration of war not only by the executive of that country, but also by its previous legislature. That declaration had been accompanied by an act of war, namely the assassination of a member of the United States forces, as well as threats to close the Panama Canal.

8. With regard to the reference to self-determination in the draft resolution, he pointed out that the present Parliament was the outcome of the free and fair elections of 7 May 1989, which General Noriega had nullified, an act that, taken logically, had also nullified the right of the Panamanian people to self-determination. The present Parliament had, in assuming its functions, restored the people's right to self-determination. It was, moreover, incorrect to refer, as in operative paragraph 1 of the draft resolution, to a military intervention "which constitutes" a flagrant violation of international law. That implied that the intervention was not over, whereas in fact the United States action had come to an end, leaving that country with fewer troops in Panama than it had had before. As for the Torrijos-Carter treaties of 1979, since they were bilateral treaties that were not being contested by either party, the demand in operative paragraph 3 amounted to gross interference. On the other hand, the delegation of the United States would accept operative paragraph 4, provided that Cuba, the Libyan Arab Jamahiriya, Nicaragua and Viet Nam would also "respect the sovereignty, independence and territorial integrity of Panama".

9. In the view of the United States delegation, a number of amendments were needed to make the draft resolution accurate and honourable.

10. A new first preambular paragraph ought be inserted to read: "Bearing in mind the purposes of the United Nations, including, inter alia, that of developing respect for the principle of equal rights and self-determination of peoples,".

11. The existing third preambular paragraph ought to replace the present second preambular paragraph.

12. A new third preambular paragraph ought be inserted to read: "Reaffirming the validity of the Universal Declaration of Human Rights and its relevance to enjoyment of the right to self-determination, in particular those provisions declaring that everyone has the right to take part in the government of his or her country, that the will of the people shall be the basis of the authority of the government, and that this will shall be expressed in periodic and genuine elections which shall be held by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures,".

13. The fourth preambular paragraph ought be deleted.

14. The first preambular paragraph ought be revised in the following manner and renumbered as a new fourth preambular paragraph: "Recalling that the General Assembly already considered the question of Panama at its forty-fourth session in resolution 44/240 of 29 December 1989,".

15. The second preambular paragraph ought to be inserted as a new fifth preambular paragraph.

16. A new sixth preambular paragraph ought to be inserted to read: "Noting that the people of Panama participated in a national election on 7 May 1989 to choose the leaders of their country and that this election was adjudged to be free and fair by international observers,".

17. A new seventh preambular paragraph ought to be inserted to read: "Recalling that the results of the election of 7 May 1989 were nullified by the former Government of Panama and that the Organization of American States in its resolution of 17 May 1989 considered that the abuses by the former Government of Panama in connection with the electoral process, 'abridged the right of the Panamanian people to freely elect their legitimate authorities',".

18. A new eighth preambular paragraph ought to be inserted to read: "Recognizing that the people of Panama are governed today by the individuals who were elected to their positions in the executive branch in the election of 7 May 1989,".

19. A new ninth preambular paragraph ought to be inserted to read: "Acknowledging the fact that the foreign military forces that intervened in Panama in December 1989 have been completely withdrawn,".

20. The original operative paragraphs 1 and 2 ought to be deleted.

21. A new operative paragraph 1 ought to be inserted in the text to read: "Welcomes the national election held in Panama on 7 May 1989;".

22. The word "Demands" ought to be replaced by "Urges" in original operative paragraph 3, which should be renumbered as operative paragraph 2.

23. The original operative paragraph 4 ought to be renumbered as a new operative paragraph 3 in the amended text.

24. However, the United States delegation would not press those proposed amendments but called instead for a vote against the draft resolution, which in its view was untimely and regrettable. It requested that the vote should be taken by roll-call.

25. Mr. VELASQUEZ (Panama) said he would ask the Commission to give serious consideration to the statement he was about to make as representative of the country Cuba claimed to be defending and as Chairman of the Panamanian Human Rights Committee under the Noriega dictatorship. It was remarkable that in 10 years of dictatorship in Panama, the Cuban Government had never once spoken out in condemnation of the many violations of human rights committed in that country. The sponsors of the draft resolution had no moral authority to sit in judgement on the situation in Panama, particularly as they were violating

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the human rights of their own peoples. Panama's position on the subject would have been quite different had a similar draft resolution been submitted by a country such as Costa Rica.

26. The General Assembly had taken a political decision in adopting resolution 44/240, which had been put to the vote only nine days after the United States military action in Panama. Since then the situation had radically changed.

27. There was no justification for the draft resolution submitted by Cuba, since the Panamanian people had decided its future in free and sovereign fashion during the elections of 7 May 1989, when three citizens out of four had voted for the Government of which Mr. Guillermo Endara was currently President. The Panamanian Government fully respected human rights; no foreign intervention force had been stationed on its territory since the United States had completed its troop withdrawal.

28. Panama had consistently condemned the use of violence to settle political differences, an aspiration that could never be fulfilled under the military dictatorship of Noriega despite the good offices of the Organization of American States. It was for the Panamanian people, and not for Cuba, Libya or Nicaragua, to seek support from the international community in denouncing any military intervention that might take place on its territory. The Panamanian delegation questioned the sincerity of Cuba's aims and intentions in submitting the draft resolution. It firmly believed that Cuba was making improper use of the most important international meeting on human rights to further its own ends in its confrontation with the United States.

29. The Panamanian delegation drew the attention of the members of the Commission to the fact that their task was to protect human rights, eschewing politics or propaganda.

30. Mr. CASTRIOTO DE AZAMBUJA (Brazil) requested a brief suspension of the meeting to allow consultations to take place between members of delegations.

The meeting was suspended at 4.25 p.m. and resumed at 4.40 p.m.

31. Mr. CASTRIOTO DE AZAMBUJA (Brazil), speaking in explanation of vote before the vote, said that the Brazilian delegation would vote in favour of the draft resolution in a manner consistent with previous votes cast by Brazil on texts with similar language and thrust that had been adopted in recent weeks by other United Nations bodies and by the Organization of American States.

32. His delegation found it necessary to strike a note of caution against allowing political motives to distort the objectivity and the exclusively humanitarian nature of the Commission's work. In its future action on the matter under discussion, the Commission should be guided solely by concern to ensure respect for human rights in Panama and not let itself be diverted from that task by other motivations, no matter how legitimate, that were to a greater or lesser extent extraneous to its mandate.

33. Mrs. REGAZZOLI (Argentina), speaking in explanation of vote before the vote, said that the Argentine delegation had supported General Assembly resolution 44/240 of 29 December 1989 as well as the resolutions of the Organization of American States on the question of Panama. She shared the concern of the Brazilian delegation over the danger of politicizing the work of the Commission and would abstain in the vote on the draft resolution in the conviction that the tendency to allow considerations other than humanitarian ones to take precedence over discussion of the human rights situation throughout the world was not calculated to strengthen the Commission's role or to allow it to fulfil its mandate. What was at issue was the credibility of the Commission, a credibility essential if its decisions were to be respected as was certainly the intention of all delegations.

34. Mr. VELASQUEZ (Panama), speaking in explanation of vote before the vote, joined the Brazilian and Argentine delegations in expressing concern over the danger of politicizing a body that ought always to be the most trustworthy authority in the world-wide protection of human rights. It seemed paradoxical, to say the least, that the Cuban delegation should be parading as the champion of Panama by submitting a draft resolution under agenda item 9, when the Cuban Government had actively collaborated with the dictatorial Noriega régime and supplied it with thousands of weapons.

35. The delegation of Panama urged other delegations to bear its concerns in mind, in particular its anxiety not to see the prestige of the Commission undermined by discussion of such an unequivocally political question. It would of course vote against the draft resolution.

36. Mrs. GONZALEZ MARTINEZ (Mexico), speaking in explanation of vote before the vote, said that in conformity with Mexico's stand in other international bodies on draft resolutions concerning the same topic, her country would vote in favour of the draft resolution and in so doing remain consistent with its position on other similar situations not only in Latin America, but also, for example, in Afghanistan.

37. At the request of the representative of Cuba, a vote was taken by roll-call on the second preambular paragraph of the draft resolution.

38. Yugoslavia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Brazil, Bulgaria, China, Cuba, Cyprus, Ethiopia, Hungary, India, Iraq, Mexico, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Canada, Germany, Federal Republic of, Panama, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belgium, Botswana, Colombia, France, Ghana, Italy, Japan, Madagascar, Morocco, Nigeria, Pakistan, Peru, Philippines, Portugal, Somalia, Spain, Swaziland, Sweden, Venezuela.

39. The second preambular paragraph of the draft resolution was adopted by 14 votes to 5, with 20 abstentions.

40. At the request of the representative of Cuba, a vote was taken by roll-call on the fourth preambular paragraph of the draft resolution.

41. Senegal, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Brazil, Bulgaria, China, Cuba, Cyprus, Ethiopia, India, Iraq, Mexico, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Belgium, Canada, Germany, Federal Republic of, Italy, Panama, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Botswana, Colombia, France, Ghana, Hungary, Japan, Madagascar, Morocco, Nigeria, Pakistan, Peru, Philippines, Somalia, Spain, Swaziland, Sweden, Venezuela.

42. The fourth preambular paragraph of the draft resolution was adopted by 13 votes to 8, with 18 abstentions.

43. At the request of the representative of Cuba, a vote was taken by roll-call on operative paragraph 1 of the draft resolution.

44. The United Kingdom, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Brazil, Bulgaria, China, Cuba, Cyprus, Ethiopia, Hungary, India, Iraq, Mexico, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Canada, Germany, Federal Republic of, Italy, Japan, Panama, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belgium, Botswana, Colombia, France, Ghana, Madagascar, Morocco, Nigeria, Pakistan, Peru, Philippines, Somalia, Spain, Swaziland, Sweden, Venezuela.

45. Operative paragraph 1 of the draft resolution was adopted by 14 votes to 8, with 17 abstentions.

46. At the request of the representative of the United States, a vote was taken by roll-call on operative paragraph 2 of the draft resolution.

47. Belgium, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Brazil, Bulgaria, China, Cuba, Ethiopia, Iraq, Mexico, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Canada, Germany, Federal Republic of, Italy, Japan, Morocco, Panama, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belgium, Botswana, Colombia, France, Ghana, Hungary, India, Madagascar, Nigeria, Pakistan, Peru, Philippines, Somalia, Spain, Sri Lanka, Swaziland, Sweden, Venezuela.

48. Operative paragraph 2 of the draft resolution was adopted by 10 votes to 9, with 19 abstentions.

49. A vote was taken by roll-call on the draft resolution as a whole.

50. Japan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Brazil, Bulgaria, China, Cuba, Cyprus, Ethiopia, Hungary, India, Iraq, Mexico, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Canada, Germany, Federal Republic of, Italy, Japan, Panama, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belgium, Botswana, Colombia, France, Ghana, Madagascar, Morocco, Nigeria, Pakistan, Peru, Philippines, Somalia, Spain, Swaziland, Sweden, Venezuela.

51. Draft resolution E/CN.4/1990/L.2/Rev.2 as a whole was adopted by 14 votes to 8, with 17 abstentions.

52. Mr. LEVITTE (France), speaking in explanation of vote, said that France had abstained, as it would do in the case of draft resolution E/CN.4/1990/L.3/Rev.1 should that be put to the vote, since it considered that the Commission should not be considering the question of Panama. The Security Council had discussed the issue at length and the General Assembly had taken a decision on the subject by its vote of 29 December 1989. As far as the French delegation was aware, no factors coming within the terms of reference of the Commission had subsequently come to light that could justify a debate by that body.

53. Mr. RIVAS POSADA (Colombia) said that his country had already spoken at the General Assembly and in the Organization of American States against the intervention by the United States armed forces in Panama. However, the Commission was a specialized body, which Colombia considered inappropriate for repetition of the arguments already put forward in other relevant forums. Colombia had therefore abstained during the vote, as it would also do in any vote on draft resolution E/CN.4/1990/L.3/Rev.1.

54. Mrs. RICO (Spain) said that Spain had made its position with regard to the intervention in Panama clear during the vote on General Assembly resolution 44/240 of 29 December 1989. It had abstained in the vote on draft resolution E/CN.4/1990/L.2/Rev.2 because it considered that the Commission was not competent to discuss a question on which the principal organs of the United Nations had already taken a decision because, as a number of Latin American countries had said before the vote, it deplored the fact that debate on the issue would do no more than politicize the Commission further and because the draft resolution was quite clearly incomplete.

55. Mr. RAMOS SUERO (Peru) said that in the Security Council, the General Assembly and the Organization of American States his country had had no hesitation in strongly condemning the invasion of the Republic of Panama by United States troops. However, Peru had abstained during the vote on draft resolution E/CN.4/1990/L.2/Rev.2 because it considered that the text did not properly reflect the present situation in Panama. That stance should in no way be taken to be an expression of opinion on the exercise of the right to self-determination by the Panamanian people.

56. Mr. AMOO-GOTTFRIED (Ghana) said that Ghana had already stated its position on the recent foreign intervention in Panama, which it had considered a flagrant violation of the sovereignty and territorial integrity of that country. Its decision to abstain from voting on the draft resolution stemmed from the fact that it had noted an improvement in the situation in Panama following the withdrawal of most of the foreign military forces.

57. Mr. STRUYE DE SWIELANDE (Belgium) said that his delegation considered the text contained in document E/CN.4/1990/L.2/Rev.2 to lack objectivity and balance. No mention was made of the practices of former President Noriega or of his lack of respect for democracy or for the right of the Panamanian people to self-determination as expressed during free and fair elections. Furthermore, the Security Council and the General Assembly had already taken a decision on the matter; the text in question was not a proper one to put before the Commission.

58. Mr. ROMARE (Sweden), speaking in explanation of vote, said that Sweden had abstained in the voting on the draft resolution and its component parts since the text contained in document E/CN.4/1990/L.2/Rev.2 addressed a political issue that should not have been dealt with in the Commission. On the other hand, Sweden had voted in favour of General Assembly resolution 44/240 of 29 December 1989 because of its adherence to the principles of respect for the sovereignty and territorial integrity of States and of non-interference in the internal affairs of other countries. The Swedish position should in no way be taken to imply support for the previous régime in Panama. Sweden recognized the necessity of re-establishing conditions that would guarantee the full exercise of human rights and fundamental freedoms by the people of Panama. However, it considered that it was for the Panamanians themselves to ensure that democratic principles were observed and a legitimate Government installed.

59. Mr. MARKIDES (Cyprus) said he had voted in favour of the draft resolution in order to reaffirm his adherence to the principles of independence and sovereignty of States, which were being violated in the case of his own country. He nevertheless welcomed the fact that foreign troops had withdrawn from Panama and that safety and order had been restored.

60. Mr. ARTEAGA (Venezuela) said that his country had abstained in the vote on the draft resolution. Venezuela's position with regard to the situation in Panama had been clearly expressed within the Organization of American States and at the General Assembly. It was of the opinion that consideration of the issue by the Commission raised issues extraneous to the protection of human rights.

61. Mr. SEZAKI (Japan) said that his delegation had voted against the draft resolution because the text included a number of elements of a political nature that were outside the terms of reference of the Commission. Furthermore, Japan considered that the resolution as adopted would in no way contribute to the protection of human rights in Panama.

62. Ms. ANDREYCHUCK (Canada) said that her country had voted against the draft resolution because it considered that the Commission's terms of reference did not extend to examination of the situation in Panama, on which decisions had already been taken by the Security Council, the General Assembly and the Permanent Council of the Organization of American States.

Draft resolution E/CN.4/1990/L.3/Rev.1

63. The CHAIRMAN gave the floor to Mr. Velásquez (Panama) to introduce draft resolution E/CN.4/1990/L.3/Rev.1 prepared by the delegation of Panama and entitled "The situation with regard to self-determination in Panama, Nicaragua and Cuba".

64. Mr. VELASQUEZ (Panama) said that self-determination and non-intervention were universal principles that should apply to all nations and not merely to Panama. That was the reason why his delegation had not in the draft resolution confined itself to a consideration of its own country. If Cuba was concerned about the situation in Panama, Panama for its part was deeply disturbed by the situation in Cuba.

65. The preamble to the draft resolution expressed Panama's respect for fundamental human rights, the rights of all peoples to sovereignty and territorial integrity and its belief in democracy, a concept unknown to totalitarian systems of government such as that in Cuba.

66. In the operative part of the draft resolution, Panama stated its opposition to any intervention by one country in another's affairs, whether peaceful or violent, and welcomed the withdrawal of the troops which had participated in the United States military action on Panamanian territory on 20 December 1989.

67. The Panamanian delegation noted that there were no opposition parties in Cuba and that its Government had remained unchanged for the previous 30 years. The Cuban Government was urged to permit the Cuban people to elect their leaders freely, since the draft resolution drew attention to the importance of the right to self-determination.

68. It was stressed that the draft resolution was addressed to the Government of Cuba and in no way to the Cuban people, with whom the Panamanian people had close historical, social and cultural links.

69. That having been said and despite all its motives for submitting the draft resolution, the Panamanian delegation had decided to withdraw the text in order to facilitate the good offices of the Commission and, more generally, to promote its work.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued) (E/CN.4/1990/5, 21, 22 and Add.1, 25-28, 51, 52, 55, 57, 60-63, 69, 70; E/CN.4/1990/NGO/1, 3, 9, 10, 15, 19, 23-27, 31, 32, 34, 35, 40, 53-55; A/44/526, 573, 620, 622, 635, 669 and 671)

70. Ms. GRAF (International League for the Rights and Liberation of Peoples) said that she would devote her statement to Colombia, which had been the scene of many human rights violations such as torture, enforced disappearances, assassinations, extrajudicial executions and massacres, to mention only the most extreme cases. The "dirty war" now being fought in Colombia affected all parts of the country and struck at whole communities, peasants, trade unionists, teachers, judges, political and human rights activists, political prisoners, the clergy, ordinary citizens and even a large number of children.

71. A reduction of any form of the violence seemed unlikely. In January 1990, for example, the army had embarked on a "scorched earth" operation in the Yondo region, which had claimed many peasant victims and caused a great deal of damage. Moreover, drug traffickers were continuing their attacks. On 6 December 1989, the explosion in a very heavily populated district of Bogotá of a bomb placed in a bus had left at least 60 dead and 1,000 wounded and caused damage estimated at some $235 million.

72. Such crimes often remained unpunished, as shown by the data from the Permanent Peoples' Court reported in document E/CN.4/1990/NGO/31. Such virtually complete impunity was due to a number of factors: the state of emergency in force almost without interruption for the past 40 years shielded many offenders, members of the various security agencies took part in the activities of paramilitary groups, the secret services of the armed forces made use of hired gunmen, those employing torture used methods that left no traces and some laws gave rise to many abuses.

73. Since it was of very broad application, the Military Penal Code provided a justification for practically all army action. The military tribunals, acting both as judge and defendant, considered soldiers to be on active service at all times so that all their acts fell under military jurisdiction, including those committed by the paramilitary group known as the MAS ("Death to kidnappers") which was made up of civilians, soldiers and officers. As a result, the Supreme Military Court had found only 92 persons guilty in the 6,310 cases brought before it between August 1987 and August 1988.

74. Although the Colombian Government had taken a number of measures to remedy the situation, such as recourse to habeas corpus, penalizing the activities of vigilante groups, dismantling a number of paramilitary groups, arresting hired gunmen and dismissing members of the police force involved in illegal activities, paramilitary groups were still committing murders, the civil courts were powerless and lacked means or protection and, as formerly, many judges were killed simply for performing their duties.

75. The International League for the Rights and Liberation of Peoples recommended that the Commission should call on the Colombian Government to show greater respect for the international standards it had recognized in

ratifying the Covenants, and should appoint a Special Rapporteur to look into the human rights situation in Colombia and report on it to the Commission at its forty-seventh session.

76. Ms. BUDIARJO (Liberation) said that at a time when important changes were taking place in a world more conscious of the protection and promotion of human rights, there were still countries trying to hold on to their traditionally repressive political systems.

77. In Turkey, for example, nearly 10 years after the military coup of 1980, human rights violations were continuing, as reported among others by Mr. Kooijmans, the Special Rapporteur on Torture (E/CN.4/1990/17). In that context it should be noted that the decree mentioned in the report, which allowed detainees to have access to their legal representatives, had in fact slowed down the practice of torture in Turkey, but was being ignored in the Ankara region, from which most of the torture reports in recent months had consequently come.

78. The victims of repression came from very varied backgrounds. Some were journalists who were being prosecuted for membership of the Communist Party - an illegal organization - among them Mr. Coskun, former editor of the journal Adimlar, whose offices had been sealed in January and its equipment confiscated, or had been charged with separatist propaganda, like Mr. Kamil Ermis of the political journal Deng. In addition to lengthy prison sentences, journalists had also been subjected to physical violence. On 3 February, for example, reporters and photographers of various daily papers and press agencies covering the funeral of the victim of the latest political killing had been attacked by police using truncheons and a number of them had had to be taken to hospital.

79. Two Communist leaders, Dr. Sargin and Mr. Kutlu, who had been arrested on their return from exile on 16 November 1987, had not yet been tried and were still under detention despite a number of resolutions of the European Parliament demanding their release. The remaining leaders of the United Communist Party of Turkey had been rounded up in early February at a meeting in Istanbul. Lastly, Kurds and any person showing sympathy for them were constantly harassed.

80. Such examples showed that freedom of expression in Turkey was severely limited. The independence of the judiciary, and in particular of the judges of the State Security Courts, was highly questionable. It was evident that the dominant concept of national security was based on a "cold war" mentality, which explained the heavy-handedness in dealing with Communists and Kurds. Such attitudes had led to the use of measures such as arrest, arbitrary detention, ill-treatment and torture of prisoners and confiscation of assets to intimidate or punish people for activities seen in some circles as undesirable.

81. Her organization believed that the majority of people in Turkey favoured a democratic system with political pluralism and freedom of expression, free defence of the rights of the Kurdish people and an end to the concept of "crime of thought". The ultimate source of human rights violations in Turkey as in many other countries was the lack of a proper democracy. Liberation called on the Turkish Government and Parliament to take a look at what was

happening in the world and, as an initial step towards democratization, to sign the International Covenant on Civil and Political Rights and repeal the repressive laws currently in force in Turkey.

82. Mr. ENNALS (Minority Rights Group) said that the international community should continue to protest at repressive government policy towards the Kurds in Iraq and to monitor the continuing tragedy in Sri Lanka, where intercommunity violence was not yet at an end. It also drew the attention of members of the Commission to document E/CN.4/1990/NGO/9 containing a detailed report by the Minority Rights Group on the situation in Tibet.

83. In Guatemala, there were 22 Mayan ethnic groups, which, despite the fact that they made up the majority of the population in the country, were at the very bottom of its social and economic structure. According to government figures, 43 per cent of the Mayan population were living on less than the minimum wage and 95 per cent of Indian families were now landless or farming smallholdings of less than 7 hectares, the minimum necessary to support a family. Thousands of highland Indians working in the coastal plantations were housed in open sleeping barns that had been condemned by the ILO as totally unacceptable with regard to hygiene, health, education and morality.

84. The Maya had become the most numerous victims of the brutal counter-insurgency war that had continued over the past decade in Guatemala. Thousands were being forcibly held in so-called "model villages", more accurately concentration camps, that were run and controlled by the Guatemalan army. The "model villages" had been deliberately designed to deal a death blow to the Mayan culture in Guatemala: the Maya were forced to speak Spanish and to serve in civil patrols, they were denied access to their hereditary lands, and traditional mayoral Mayan government had been replaced by army-appointed commissioners. Over 10,000 Maya had been killed in 1981/1982. Such assassinations were often the result of army pressure on civil patrols, who were obliged to choose between killing other Maya or being killed themselves. The killings and terror had forced many hundreds of thousands of Maya into exile in Mexico or into hiding in the tropical forests and mountains in the north of Guatemala.

85. Although Guatemala had been a parliamentary democracy since 1986, the military was still in control of all organs of administration. Under their rule there was no prospect whatever of an end to abuses or of implementing the democratic social reforms which the country so desperately needed.

86. The Mayan people of Guatemala desperately needed the support of the international community if they were to survive as a people and as individuals. The Minority Rights Group therefore requested the Commission to re-establish the post of Special Rapporteur on Guatemala, in particular to look at the role of the army and the paramilitary forces in that emerging democracy. It urged countries that were concerned about democracy to give the support required to strengthen democratic institutions in Guatemala and help the Government to take essential measures such as the withdrawal of military units from Mayan areas, the dismantling of the "model villages" and the return of their residents and other displaced persons to their original villages. For the Maya that could mean the difference between life and death.

87. Mr. TORNER (Pax Romana, International Movement of Catholic Students) said that the International Movement of Catholic Students of Pax Romana, of which he was President, deplored the repression of students in South Korea and recalled the unjust sentencing of Mrs. Im Su-Kyong to 10 years' imprisonment merely for having visited North Korea.

88. Gross violations of human rights were occurring regularly in three countries of Latin America: Guatemala, El Salvador and Colombia.

89. In Guatemala, extrajudicial executions, enforced disappearances, killings and kidnappings had continued in 1989. That disastrous situation was fostered by the political and administrative system in operation and by the fact that Guatemala was unwilling to accede to international human rights instruments such as the International Covenant on Civil and Political Rights and the Convention against Torture. For that reason, Pax Romana considered that the Commission should re-appoint a Special Rapporteur to look into the human rights situation in that country, in addition to the provision of badly needed advisory services and assistance to Guatemala by Mr. Héctor Gros Espiell, who had given an account of his work on that country in his report (E/CN.4/1990/45/Add.1). The adoption of legislation guaranteeing respect for human rights should go hand in hand with the implementation of equitable economic measures to promote the development of Guatemalan society.

90. The situation in El Salvador was the subject of a detailed report by Mr. Antonio Pastor Ridruejo (E/CN.4/1990/26) and had also been covered in depth by Pax Romana in its statement to the Commission on 13 February under agenda item 23. The universities, the political, trade union and humanitarian organizations and the Church continued to be persecuted, thus generating a general climate of insecurity in the country. The General Assembly had, in November 1989, adopted a resolution condemning the action of the ruling party in El Salvador and expressing its concern at the steady increase in cases of torture, disappearance and summary execution in that country. The Commission ought therefore to extend the mandate of the Special Rapporteur to enable him to continue to monitor the situation in El Salvador. Such action would foster initiation of a dialogue between the parties to the conflict.

91. He would now yield his place to Mr. Romero Devia, Vice-President of the Judges' Association of Colombia, who had been compelled to go into temporary exile as a result of the threats made against him.

92. Mr. ROMERO DEVIA (Pax Romana) said that disturbing information continued to be received on the steady deterioration in the human rights situation in Colombia, particularly with regard to violations of the right to life by death squads. In 1989, 5,750 extrajudicial executions, 114 cases of enforced disappearance and 14 cases of torture had been reported. Two hundred and twenty-seven magistrates, judges or judicial officials had been assassinated, principally by paramilitary groups, whose ranks included serving members of the Colombian army. Detailed information on those cases could be found in the addendum to Mr. Wako's report (E/CN.4/1990/22/Add.1). A factor common to all such crimes was that their perpetrators generally went unpunished, reflecting the weakness of Colombian civil institutions. Death threats had been received by over 1,300 judges, 200 of whom at most had been given any real protection despite Government promises. Because of the 41-year-old state of siege in the country, the Colombian armed forces had acquired very extensive powers, which

had opened the door to numerous abuses. It was clear that drug trafficking was one of the many factors destablizing the country; the Colombian Government was however using the fight against it as a cloak to conceal its share of responsibility in the many human rights violations, in the deepening social conflict and in the "dirty war" there. As had been said by Alfonso Reyes Echandía, President of the Colombian Supreme Court who had been killed in the attack on the Central Law Courts in Bogotá, the Government ought not to forget that in a State based on the rule of law, the power of arms should be at the service of even the least of its judges since only in that way could the force of reason prevail against sheer force.

93. In conclusion, Pax Romana called on the Commission to appoint a Special Rapporteur on Colombia in order to promote full respect for fundamental human rights in that country.

The meeting rose at 6.05 p.m.